

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

Criminal No. 3:22-cr-00087

ALEX KAI TICK CHIN

DEFENDANT'S MOTION FOR CONTINUANCE

Defendant, Alex Kai Tick Chin, by his counsel, moves this Court for the entry of an appropriate Order continuing the trial and all case related action in this matter for a period of at least sixty days, and for a finding of excludable time under the Speedy Trial Act as found in 18 U.S.C. § 3161, *et seq.* In support of this Motion, counsel states as follows:

(1) The defendant has been charged in a two count Superseding Indictment. Count One charges the defendant with enticing a minor to engage in sexually explicit conduct for purposes of producing visual depictions in violation of 18 U.S.C. §§ 2251(a) and (e). Dkt. No. 19. Count Two charges the defendant with being an individual required to register as a sex offender who has committed the felony offense charged in Count One in violation of 18 U.S.C. § 2260A. The trial in this case is presently scheduled for January 18, 2023, at 8:30 a.m. in Huntington before the Honorable Robert C. Chambers. Dkt. No. 25. The parties have been further directed to submit pretrial motions to the Court by December 19, 2023, with the pretrial motions hearing scheduled for January 5, 2023, at 3:30 p.m. in Huntington.

(2) Counsel needs additional time to review discovery materials with the defendant and to conduct additional legal research in his case. The Government has not yet produced a redacted Cellebrite forensic report which contains the contents of the text messages between the defendant and Minor Female 1, who is the subject of Count One. Counsel anticipates that this disclosure will be made in the near future. Counsel has also requested to be provided with unredacted Cellebrite reports of the contents of the defendant's two smart phones that were previously seized by border patrol agents. As these unredacted reports may contain images of child pornography, a separate protective order may need to be entered to address the manner in which that information remains against any public disclosure.

(3) Child pornography cases tend to be complex in nature and often require counsel to retain a forensic computer expert to examine all of the computer-related evidence. In this case, counsel may need to consult with a forensic expert in order to interpret the information contained in the requested Cellebrite reports. As such, counsel is going to need additional time to complete his investigation of the computer-related evidence prior to the filing of any pretrial motions.

(4) Counsel has spoken with the defendant concerning the reasons for the proposed continuance, and the defendant is in agreement that counsel needs additional time to complete his investigation. The defendant is currently in custody at the Carter County Detention Center.

(5) Counsel has discussed the reasons for a continuance with Assistant United States Attorney Jennifer Rada Herrald, who indicated that the Government has no objection to the defendant's Motion.

The defendant certifies that the reasons for the request do not include general congestion of the Court's calendar or the lack of diligent preparation on the part of the parties involved.

WHEREFORE, defendant requests that this Court enter an appropriate Order continuing the trial and all case related action in this matter for a period of at least sixty days. Counsel would further request that a new pretrial motions deadline and pretrial motions hearing date be scheduled by the Court as well.

Respectfully submitted this 14th day of December, 2022.

ALEX KAI TICK CHIN

By Counsel

WESLEY P. PAGE
FEDERAL PUBLIC DEFENDER

s/David R. Bungard

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